MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF TRANSPORT OF CANADA

AND

THE UNITED STATES DEPARTMENT OF TRANSPORTATION

CONCERNING

COOPERATION IN TRANSPORTATION

RESEARCH AND DEVELOPMENT

ADDENDUM NUMBER 5

TRAFFIC AND MOTOR VEHICLE SAFETY RESEARCH AND REGULATIONS

I. This document is a renewal of Addendum 5, which expired on March 26, 2001, to the Memorandum of Understanding (MOU) of June 18, 1970, between the Department of Transport of Canada (referred to below as Transport Canada) and the U.S. Department of Transportation (referred to below as DOT) concerning research and development cooperation in transportation.

II. The intent of this renewed Addendum 5 is to continue the promotion of mutually beneficial cooperation in the fields of traffic, motor vehicle, and driver behavior safety research, including the exchange of data and statistics, and to extend this cooperation to motor vehicle regulations and road safety policy in order to pursue, among other goals, harmonization of standards and regulations and certification procedures as envisioned by the Automotive Standards Council established under Annex 913.5a-3 of the North American Free Trade Agreement.

III. The cooperative activity described in this Addendum should be carried out for Transport Canada by the Road Safety and Motor Vehicle Regulation Directorate (The Directorate), and for DOT by the National Highway Traffic Safety Administration (NHTSA) in order to reach the following objectives:

1. to achieve appropriate harmonization of regulations and standards;

2. to foster a better understanding of mutual concerns and priorities by sharing, at an early stage, information on problem identification, research and development, policies, regulations and standards; and

3. to use resources more efficiently by participating jointly in initiatives of mutual interest.

IV. In order to realize the objectives set forth in Section II, it is intended that:

1. The Directorate and NHTSA exchange information and conduct joint cooperative activities in the particular areas identified in Section V of this Addendum and in any additional areas that may be subsequently identified. Cooperative activities under this Addendum may include the following:

   a. Exchanges of reports embodying significant research results, subject to applicable restrictions on distribution of proprietary or other sensitive data.

   b. Workshops, conferences, and meetings organized by the participants to address specific vehicle safety issues.

   c. Annual (spring) meeting of officials from both participants to present and discuss the full range of activities of the Directorate and NHTSA, as well as the status of cooperative activities.

   d. Exchanges of experimental and operational data and plans for future work on research and standards development.

e. Studies to evaluate the costs and benefits of various traffic and motor vehicle safety countermeasures.

2. Information in the identified areas may be exchanged to achieve the intent of this Addendum. However, at the request of either the Directorate or NHTSA, and in any case where cooperative activity may involve cost-sharing or task-sharing, written project agreements will be concluded to facilitate the respective commitments of the Directorate and NHTSA with regard to the information to be exchanged, the particulars and schedules of work to be accomplished, and the details of any cost- or task-sharing.

   In the event that either participant employs a contractor and/or consultant to conduct or participate on its behalf in activities pursuant to this Addendum, the other participant should be informed of the name of the contractor and/or consultant and the scope of their assignment and authority.

3. For the purpose of this Addendum, the Director-General, Road Safety and Motor Vehicle Regulation Directorate and the Administrator, National Highway Traffic Safety Administration, are intended as Program Coordinators who, subject to their respective national laws and regulations, are able to:

   a. conclude project agreements;

   b. designate project officers responsible for each of the areas of mutual interest identified in Section V below or subsequently agreed upon; and

   c. arrange for reviews of the status of this program to coincide with annual program reviews conducted under the terms of the MOU. The Program Coordinators should incorporate their annual reports into the annual report of activities under the MOU.

4. It is understood that cooperative activities are subject to the availability of funds and personnel.

5. In connection with exchanges of technical data between the Directorate and NHTSA, any conditions or limitations placed upon further dissemination of the data by the agency that provides such data should be respected by the recipient, consistent with applicable law. Both participants should make clear to any participating manufacturers that all information exchanged will become publicly available, except to the extent that either party requests that the information not be made available to the public, consistent with applicable law.

6. The nature and timing of any reports arising from task-sharing and cost-sharing projects should be specified in the project agreements. Program Coordinators should have an opportunity to review and comment upon the draft reports prior to their publication.

7. The Directorate and NHTSA intend to ensure the accuracy of all data and information exchanged pursuant to this Addendum, but the accuracy of such data and information is not guaranteed, and neither agency may hold the other responsible with respect thereto.

V. The following are identified as initial areas of mutual interest for the purpose of this Addendum:

1. **Traffic Safety**: includes policies, programs and research designed to modify driver and pedestrian behavior to reduce the number and consequences of traffic crashes. Illustrative are projects designed to: (a) develop means of increasing the proper use of occupant restraint systems (e.g., safety belt use, child restraints, head restraints), (b) evaluate new seat belt technologies that remind occupants to buckle up and estimate associated cost and benefits of these systems, (c) reduce the number of drivers impaired by alcohol and/or drugs (e.g., programs to deter repeat offenders), (d) enable other levels of government to more effectively establish and enforce traffic laws, (e) improve the quality of vehicle operators' performance, (f) improve pedestrian, bicycle, and motorcycle safety, (g) investigate the potential of vehicle sanctions (license plate and vehicle impoundment or forfeiture) to reduce recidivism and crashes, or (h) conduct research to gain a better understanding of the causes of risk-taking and aggressive driving and ways to reduce their occurrence.

2. **Crash Avoidance**: includes motor vehicle research and standards development designed to reduce the number and severity of traffic crashes. Illustrative are projects designed to: (a) improve vehicle handling and stability (e.g., heavy truck stability), (b) increase vehicle conspicuity, (c) enhance a driver's visibility and field of view, (d) modify a vehicle in any way so as to enable a driver to more effectively avoid a crash (e.g., driver's use of anti-lock brakes), (e) evaluate the impact of Intelligent Transportation Systems technology on safety, (f) develop performance specifications for crash avoidance systems based on advanced technologies, or (g) develop countermeasures for negative safety impacts of distraction.

3. **Crashworthiness**: includes motor vehicle research and standards development designed to reduce the consequences of crashes by improving the performance of a vehicle once it has been involved in a crash. Illustrative are projects designed to: (a) evaluate vehicle structure and its role in injury mitigation, (b) improve the energy management capability of the vehicle and the occupant compartment, (c) increase the understanding of the biomechanical interaction of the human body with the motor vehicle in a crash and the mechanical simulation of the human, or (d) develop effective occupant restraint systems to reduce restraint-induced injuries (e.g., abdominal injuries caused by poor safety belt design, injuries to head and extremities resulting from air bag deployment).

4. **Driver Behavior Research**: includes driver performance and behavior research (i.e., human-centered research) and projects in support of standards development designed to reduce the number and consequences of crashes by investigating the nature of the driver-vehicle-environment interaction as it relates to traffic and motor vehicle safety. Illustrative are projects designed to: (a) evaluate driver performance as affected by

workload or distraction that impacts risk-taking behaviors and safety; (b) evaluate driver performance as affected by factors that may reduce driver capacity (e.g., fatigue, drowsiness, alcohol or drugs); (c) evaluate driver behavior as affected by physical or physiological conditions that may have a behavioral influence (e.g., maturity or experience, emotional stress); and (d) evaluate driver behavior as affected by highway engineering and design factors such as traffic control devices and roadway designs.

5. **Data Collection and Analysis**: includes projects designed to collect and analyze traffic and crash data to aid in the identification of traffic and motor vehicle safety problems and the evaluation of traffic and motor vehicle safety countermeasures. Illustrative are projects designed to (a) develop means to accurately and consistently investigate crashes and to collect and report traffic crash data, (b) develop means to interpret crash and exposure data, (c) develop systems to cost-effectively manage data, and (d) develop means to assess the socio-economic costs of fatalities and injuries.

VI. This Addendum is intended to remain in effect, subject to six months written notice of termination by either party, provided that any tasks or activities conducted through individual project agreements should be completed in accordance with the terms and schedules of those activities.

VII. This Addendum may be changed in writing by the participants at any time.

Dated: October 4, 2002

For the United States
Department of Transportation

Jeffrey W. Runge, M.D.
Administrator
National Highway Traffic
Safety Administration

For the Department of Transport
of Canada

Derek Sweet
Director-General
Road Safety and Motor Vehicle
Regulation Directorate

Transport Canada
Safety and Security

Transports Canada
Sécurité et sûreté

EXECUTIVE SECRETARIAT
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Your file Votre référence

Our file Notre référence

October 29, 2002

Dr. Jeffrey W. Runge
Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
400 Seventh St., S.W.
Washington, DC 20590

Dear Dr. Runge:

Re: Memorandum of Understanding on Cooperation in Transportation Research and Development

Further to your August 29, 2002 letter, I am pleased to return a signed copy of Addendum 5.

I very much look forward to continuing to work with you and your staff on this and other motor vehicle safety issues.

Yours sincerely,

Derek Sweet
Director General
Road Safety and Motor
Vehicle Regulation

Att.

Canada

5502-002735